

85TH CONGRESS
1ST SESSION

H. R. 6982

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1957

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide rehabilitation services to handicapped individuals; to assist in the establishment of public and private non-profit workshops and rehabilitation facilities; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Rehabilitation Act of
4 1957".

5 FINDING OF FACT AND DECLARATION

6 The Congress hereby finds and declares—

7 that there are many severely handicapped individ-
8 uals who are not eligible for vocational rehabilitation
9 services under the Vocational Rehabilitation Act,

1 because there is serious doubt that such individuals
2 will be capable of remunerative employment following
3 rehabilitation services;

4 that many of these presently ineligible individuals,
5 who are being cared for in institutions, as a result of
6 independent living rehabilitation services, can achieve
7 a degree of independence which will enable them to
8 dispense with the need for expensive institutional care;

9 that many presently ineligible severely handicapped
10 individuals living at home may, as a result of such serv-
11 ices, achieve a degree of independent living which will
12 enable them to dispense with or largely dispense with
13 an attendant;

14 that independent living rehabilitation services to
15 such presently ineligible severely handicapped indi-
16 viduals will result in the conservation of both public
17 and family resources and make a tremendous contribu-
18 tion to their dignity and self-respect;

19 that many such presently ineligible severely handi-
20 capped individuals as a result of independent living
21 rehabilitation services will be found to be capable of
22 vocational rehabilitation and will become wage earners
23 and taxpayers;

1 that there is great need for additional workshops
2 wherein the severely handicapped who cannot be readily
3 absorbed in the competitive labor market may have their
4 work potential evaluated, work capacity developed, and,
5 in some instances, secure employment;

6 that the need for such workshops for the severely
7 handicapped, including the mentally ill, the mentally re-
8 tardated, and older people, is particularly acute;

9 that there is also great need for additional rehabili-
10 tation facilities wherein independent living and voca-
11 tional rehabilitation services may be provided for
12 severely disabled persons, such as speech and hearing
13 centers, adjustment training centers, prevocational train-
14 ing facilities, facilities for fitting and training in the use
15 of prosthetic devices; and

16 that the provision of the foregoing facilities and
17 services is a necessary addition to rehabilitation now
18 being provided under the Vocational Rehabilitation Act
19 and will make such vocational rehabilitation more effec-
20 tive.

21 SEC. 2. (a) The Vocational Rehabilitation Act as
22 amended by the Vocational Rehabilitation Amendments of
23 1954 (29 U. S. C., ch. 4) is amended (a) by inserting at

1 the beginning thereof the heading "TITLE I", (b) by strik-
2 ing out the phrase "this Act" wherever it appears, and
3 inserting in lieu thereof "this title", and (c) by adding the
4 following at the end of section 3:

5 " (c) In the event of failure of any State or States to
6 qualify in a fiscal year for any payment under this section
7 or to qualify for a payment in an amount less than the
8 amount of the State's allotment, the amount equal to the
9 total of each such State's allotment, or the difference be-
10 tween its allotment and its payment, as the case may be,
11 shall be reallocated among the remaining States on the basis
12 of their respective population."

13 (b) Subsection (a) of section 4 of such Act is amended
14 by adding after "two years" the following: "other than an
15 individual pursuing a course of training which extends be-
16 yond that required for the degree of master of arts, master
17 of science, or similar degree, and such an individual may be
18 provided a course of training for a period not in excess of
19 three years."

20 SEC. 3. The Vocational Rehabilitation Act as amended
21 by the Vocational Rehabilitation Amendments of 1954 is
22 further amended by adding at the end thereof two new
23 titles as follows:

1 "TITLE II

2 "INDEPENDENT LIVING REHABILITATION

3 SERVICES

4 "AUTHORIZATION OF APPROPRIATIONS FOR GRANTS; PUR-

5 POSE FOR WHICH AVAILABLE

6 "SEC. 201. For the purpose of assisting the States in
7 rehabilitating handicapped individuals who, as a result of
8 such rehabilitation, may be expected to achieve such ability
9 of independent living as to dispense with, or largely dispense
10 with, the need for institutional care or, if not institutionalized,
11 to dispense with, or largely dispense with, the need for an
12 attendant, thereby reducing their burden upon others and
13 contributing to their dignity and self-respect, there is hereby
14 authorized for the fiscal year ending June 30, 1958,
15 \$5,000,000; for the fiscal year ending June 30, 1959,
16 \$10,000,000; and for each fiscal year thereafter, such sums
17 as Congress may determine necessary to carry out the pur-
18 poses of this title.

19 "GRANTS FOR INDEPENDENT LIVING REHABILITATION

20 SERVICES

21 "SEC. 202. (a) From the sums made available under
22 section 201 to assist States in meeting the costs of inde-
23 pendent living rehabilitation services, each State shall be

1 entitled to an allotment of an amount which bears the same
2 ratio to such sums as the product of the population of the
3 State and the square of its allotment percentage (as defined
4 in section 11 (h) of title I) bears to the sum of the cor-
5 responding products for all the States. The allotment to any
6 State under an allotment for any year which is less than
7 \$25,000, or in the case of the Virgin Islands is less than
8 \$10,000 (or such other amount as may be specified as a
9 minimum allotment in the Act appropriating such sums for
10 such year) shall be increased to that amount, the total of
11 the increases thereby required being derived by proportion-
12 ately reducing the allotments to each of the remaining States,
13 but with such adjustments as may be necessary to prevent
14 the allotments of any of such remaining States from being
15 thereby reduced below that amount. In the event of fail-
16 ure of any State or States to qualify in a fiscal year for any
17 payment under this section or to qualify for a payment in
18 an amount less than the amount of the State's allotment,
19 the amount equal to the total of each such State's allotment,
20 or the difference between its allotment and its payment, as
21 the case may be, shall be reallocated among the remaining
22 States.

23 “(b) From each State's allotment under this section,
24 the Secretary of Health, Education, and Welfare shall pay
25 to such State an amount equal to the Federal share (deter-

1 mined as provided in section 11 (1) of title I of this Act)
2 of the cost, including cost of administration, of independent
3 living rehabilitation services provided under the independent
4 living rehabilitation plan approved under section 203 of this
5 title, which such plan is incorporated in the State plan
6 approved under section 5 of title I of this Act.

7 "STATE INDEPENDENT LIVING REHABILITATION PLANS

8 "SEC. 203. (a) To be approved under this title a State
9 plan for independent living rehabilitation services shall—

10 "(1) provide for needed rehabilitation of physically
11 or mentally handicapped individuals who are receiving
12 institutional care or attendance in their households con-
13 tinuously or for a very substantial portion of the time, but
14 who can be reasonably expected as a result of such
15 rehabilitation to achieve such ability of independent liv-
16 ing that they will no longer require such institutional
17 care or such attendance in their households; which re-
18 habilitation services may include, but not be limited to,
19 counseling, psychological, and social service, and diag-
20 nostic and related services, including transportation inci-
21 dental to the determination of eligibility for and the
22 nature and scope of further needed rehabilitation; and,
23 an individual who is found to need financial assistance
24 with respect thereto may be provided physical restora-
25 tion services, including corrective surgery, therapeutic

1 treatment, and hospitalization, needed prosthetic appli-
2 ances and other devices and training in the use thereof,
3 and maintenance needed to assure maximum benefits
4 from such services;

5 “(2) designate the State agency administering or
6 supervising the administration of vocational education
7 in the State, or a State rehabilitation agency (primarily
8 concerned with vocational rehabilitation), as the sole
9 State agency to administer the plan, or to supervise its
10 administration by other public or private nonprofit agency
11 or agencies, except that where under the State’s law
12 the State blind commission, or other agency which pro-
13 vides assistance or services to the adult blind, is author-
14 ized to provide them vocational rehabilitation services,
15 such State blind commission or other State agency may
16 be designated as the sole State agency to administer or
17 supervise the administration of the part of the plan under
18 which rehabilitation services under this title are provided
19 for the blind;

20 “(3) provide that the plan will be in effect in all
21 subdivisions of the State and for financial participation
22 of the State, which may include non-State funds which
23 the State plan specifies may be accepted by the State
24 agency;

25 “(4) provide such methods of administration, other

1 than methods relating to the establishment and mainte-
2 nance of personnel standards, as are found by the Secre-
3 tary to be necessary for the proper and efficient admin-
4 istration of the plan;

5 “(5) contain (A) provisions relating to the es-
6 tablishment and maintenance of personnel standards,
7 including provisions relating to the tenure, selection,
8 appointment, and qualification of personnel, and (B)
9 provisions relating to the establishment and maintenance
10 of minimum standards governing the facilities and per-
11 sonnel utilized in the provision of independent living
12 rehabilitation services, but the Secretary shall exercise no
13 authority with respect to the selection, method of selec-
14 tion, tenure of office, or compensation of any individual
15 employed in accordance with such provisions;

16 “(6) show the plan, policies, and methods to be
17 followed in carrying out the work under the State plan
18 and in its administration and supervision, and in case
19 independent living rehabilitation services cannot be pro-
20 vided all eligible physically handicapped individuals
21 who apply for such services, show the order to be fol-
22 lowed in selecting those to whom independent living
23 rehabilitation services will be provided;

24 “(7) provide that the State agency will make such

1 reports, in such form and containing such information,
2 as the Secretary may from time to time reasonably re-
3 quire to carry out his functions under this Act, and
4 comply with such provisions as he may from time to time
5 find necessary to assure the correctness and verification
6 of such reports;

7 “(8) provide for cooperation by the State agency
8 with, and the utilization of the services of, the State
9 agencies administering the State’s public assistance and
10 public health programs, and the Bureau of Old Age and
11 Survivors Insurance (Department of Health, Educa-
12 tion, and Welfare) and of other Federal, State, and local
13 public agencies providing services relating to independ-
14 ent living rehabilitation services.

15 “(b) The Secretary shall approve any plan which he
16 finds fulfills the conditions specified in subsection (a) of
17 this section which is submitted as an addition to a State plan
18 for vocational rehabilitation approved by the Secretary under
19 title I of this Act.

20 “(c) Whenever the Secretary, after reasonable notice
21 and opportunity for hearing to the State agency administer-
22 ing or supervising the administration of the State plan ap-
23 proved under this section, finds that—

24 “(1) the plan has been so changed that it no longer

1 complies with the requirements of subsection (a) of
2 this section; or

3 “(2) in the administration of the plan there is a
4 failure to comply substantially with any such provision;
5 the Secretary shall notify such State agency that no further
6 payments will be made to the State under this title, until he
7 is satisfied that there is no longer any such failure. Until he
8 is so satisfied the Secretary shall make no further payment
9 to such State under this title.

10 “(d) If any State is dissatisfied with the Secretary’s
11 action under subsection (c) of this section, such State may
12 appeal to the United States district court for the district
13 where the capital of such State is located and judicial review
14 of such action shall be on the record in accordance with
15 the provisions of the Administrative Procedure Act.

16 “METHOD OF COMPUTING AND MAKING PAYMENTS

17 “SEC. 204. The method of computing and paying
18 amounts pursuant to this title shall be as follows:

19 “(a) The Secretary shall, prior to the beginning of
20 each calendar quarter or other period prescribed by him,
21 estimate the amount to be paid to each State under the pro-
22 visions of this title for such period, such estimate to be
23 based on such records of the State and information fur-

1 nished by it, and such other investigation, as the Secretary
2 may find necessary.

3 “(b) The Secretary shall pay, from the allotment avail-
4 able therefor, the amount so estimated by him for such period,
5 reduced or increased, as the case may be, by any sum (not
6 previously adjusted under this paragraph) by which he
7 finds that his estimate of the amount to be paid the State
8 for any prior period under this title was greater or less than
9 the amount which should have been paid to the State for
10 such prior period under this title. Such payments shall be
11 made prior to audit or settlement by the General Accounting
12 Office, shall be made through the disbursing facilities of the
13 Treasury Department, and shall be made in such install-
14 ments as the Secretary may determine.

15 “ADMINISTRATION

16 “SEC. 205. (a) In carrying out his duties under this
17 Act, the Secretary shall—

18 “(1) make studies, investigations, demonstrations,
19 and reports with respect to programs of independent liv-
20 ing rehabilitation services carried on under this title;

21 “(2) cooperate with and render technical assist-
22 ance to States in matters relating to the independent liv-
23 ing rehabilitation of physically and mentally handicapped
24 individuals;

25 “(3) provide short-term training and instruction

1 in technical matters relating to independent living re-
2 habilitation services, including the establishment and
3 maintenance of such research fellowships and trainee-
4 ships, with such stipends and allowances (including
5 travel and subsistence expenses), as he may deem
6 necessary, except that no such training or instruction
7 (or fellowship or scholarship) shall be provided any
8 individual for any one course of study for a period in
9 excess of two years other than an individual pursuing
10 a course of training which extends beyond that required
11 for the degree of master of arts, master of science, or
12 similar degree, and such an individual may be provided
13 a course of training for a period not in excess of three
14 years;

15 “(4) disseminate information as to the studies,
16 investigations, demonstrations, and reports referred to
17 in paragraph (1) and other matters relating to inde-
18 pendent living rehabilitation services.

19 “(b) The Secretary is authorized to make rules and
20 regulations governing the administration of this Act, and to
21 delegate to any officer or employee of the United States
22 such of his powers and duties, except the making of rules
23 and regulations, as he finds necessary in carrying out the
24 purposes of this Act.

1 "TITLE III

2 "WORKSHOPS AND REHABILITATION

3 FACILITIES

4 "AUTHORIZATION OF APPROPRIATIONS FOR GRANTS; PUR-
5 POSES FOR WHICH AVAILABLE

6 "SEC. 301. (a) For the purpose of encouraging and
7 assisting in the establishment of public and other nonprofit
8 workshops and rehabilitation facilities needed in rehabilitat-
9 ing physically and mentally handicapped individuals so they
10 may prepare for and engage in remunerative employment to
11 the extent of their capabilities, thereby increasing not only
12 their social and economic well-being but also the productive
13 capacity of the Nation, there is hereby authorized to be
14 appropriated for the fiscal year ending June 30, 1958, the
15 sum of \$2,000,000; for the fiscal year ending June 30,
16 1959, \$4,000,000; for the fiscal year ending June 30, 1960,
17 \$6,000,000; and for each fiscal year thereafter such sums
18 as Congress may determine, for grants to carry out the
19 purpose of this title.

20 "(b) In making grants hereunder, the Secretary of
21 Health, Education, and Welfare, hereinafter called the Secre-
22 tary, shall, insofar as practical and consistent with the pur-
23 poses of this Act, distribute grants for projects in the several
24 States in aggregate amounts proportionate to their respective
25 populations, and in no event shall grants hereunder to a State

1 exceed by more than 50 per centum the aggregate amount it
2 would receive on such population basis or \$10,000, which-
3 ever is greater.

4 "GRANTS FOR ESTABLISHMENT OF WORKSHOPS AND
5 REHABILITATION FACILITIES

6 "SEC. 302. (a) From the sums made available pursuant
7 to section 301 of this title, the Secretary shall make grants
8 for paying part of the costs incurred in the establishment
9 of nonprofit workshops and rehabilitation facilities as here-
10 after defined and limited in subsections (b) and (c) hereof,
11 and subject to the conditions and requirements of section 303
12 of this title.

13 "(b) Nonprofit workshops and rehabilitation facilities
14 with respect to which grants may be made pursuant to
15 subsection (a) hereof, shall include but not be limited to:

16 "(1) nonprofit workshops where any manufacture
17 or handiwork is carried on, and which are operated for
18 the primary purpose of providing one or more of
19 the following:

20 "(A) remunerative employment to severely
21 handicapped individuals as an interim step in the
22 rehabilitation process for those who cannot readily
23 be absorbed in the competitive labor market, or
24 during such time as employment opportunities for
25 them in the competitive labor market do not exist;

1 “(B) an opportunity for evaluating the work
2 potential and developing the work capacity of handi-
3 capped individuals; or,

4 “(C) employment for handicapped individuals
5 confined to their homes.

6 “(2) nonprofit rehabilitation facilities operated for
7 the primary purpose of assisting in the rehabilitation of
8 physically and mentally handicapped individuals—

9 “(A) which provides one or more of the
10 following types of services:

11 “(i) testing, fitting, or training in the
12 use of prosthetic devices;

13 “(ii) prevocational or conditioning ther-
14 apy;

15 “(iii) physical, occupational, or other
16 medically supervised therapy;

17 “(iv) adjustment training; or

18 “(v) evaluation or control of special dis-
19 abilities; or

20 “(B) through which is provided an integrated
21 program of medical, psychological, social, and voca-
22 tional evaluation and services under competent pro-
23 fessional supervision: *Provided*, That the major
24 portion of such evaluation and services is furnished
25 within the facility and that all medical and related

1 health services are prescribed by, or are under the
2 formal supervision of, persons licensed to practice
3 medicine or surgery in the State.

4 “(b) Grants shall be made with respect to construc-
5 tion or alteration of buildings and procurement of installa-
6 tion of initial equipment necessary to establish or increase
7 their effectiveness as workshops or rehabilitation facilities,
8 and staffing for a period not to exceed two years. Grants
9 shall be subject to such limitations and conditions as the
10 Secretary of Health, Education, and Welfare shall prescribe.

11 “(c) The Federal share of cost of the workshop or
12 rehabilitation facility established under this title shall not
13 exceed two dollars for each one dollar which is otherwise
14 obtained and used toward defraying such cost.

15 “(d) No grant shall be made under this title with
16 respect to any workshop or rehabilitation facility unless—

17 “(1) application therefor in such form and con-
18 taining such data and assurances as are required by the
19 Secretary has been transmitted through and approved
20 as feasible and necessary for vocational rehabilitation by
21 the State agency designated pursuant to section 5 (a)

22 (1) of title I of the State where such workshop or
23 other rehabilitation facility is located or to be located;

24 “(2) the Secretary finds that the facility with
25 respect to which such grant is requested is feasible, is

1 needed, and cannot be appropriately assisted by Federal
2 grants available under any other Federal law;

3 “(3) the Secretary finds that such facility, if a
4 workshop, meets wage and hour standards administered
5 by the United States Department of Labor;

6 “(4) the Secretary requires, and the applicant pro-
7 vides, such assurances, in such form and with such pro-
8 visions as the Secretary finds necessary to insure that
9 the purpose of such grant will be carried out and that
10 the conditions and limitations of such grant will be com-
11 plied with.”